

WEISS & HILLER, PC
Attorneys at Law
600 Madison Avenue
New York, New York 10022
(212) 319-4000

Direct email: mhillier@weissshiller.com
Website: www.weissshiller.com

Telecopier: (212) 753-4530

July 5, 2011

Via Electronic Case Filing System

Honorable Sandra L. Townes
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Moran Towing Corporation v. The Barge New Jersey, et al.*
11 Civ. 2636 (SLT)

Dear Judge Townes:

This will respond to Mr. Weigel's letter received a few moments ago.

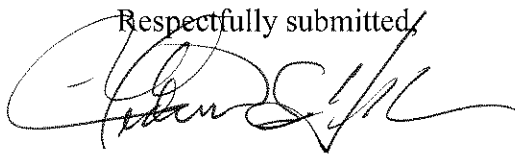
Until we received Mr. Weigel's letter, we had no idea that another towing company had been engaged or that The Barge NEW YORK had been moved. While the NEW YORK was not under arrest at the time it was moved, we can appreciate that Your Honor may have been refraining from signing the *ex parte* order to arrest the NEW YORK based upon our request that the Court do so, as we finalized our Order to Show Cause. We have assured Mr. Weigel, and we now assure the Court, that the request that the Court refrain from signing the *ex parte* order and the removal of the NEW YORK, which was without our knowledge, were completely unrelated events. Apparently, time-sensitive cargo had been shipped to Brooklyn for transshipment to the rail service in Newark. The NEW YORK was loaded with cargo and then dispatched to Newark. Two ships en route for Brooklyn (The VEGA NIKOLAS and LETOILE) are scheduled to arrive tomorrow to load containers that are currently located in Newark where they arrived by rail. The NEW YORK had been scheduled to retrieve the containers from Newark for transshipment back to Brooklyn. The trips back and forth from Brooklyn were the product of American trying to conduct its business, not any effort to remove the barge from the District. The NEW YORK will be returned this evening in the ordinary course.

In view of the foregoing, we will file the Order to Show Cause later this evening or tomorrow morning, after the NEW YORK has been returned to Brooklyn. This should afford the Court to opportunity to receive our papers and the *ex parte* order, and perhaps schedule a hearing in the near future to dispose of the issues presented, while the NEW YORK is situated within the District.

Honorable Sandra L. Townes
July 5, 2011
page 2

I have cleared my calendar for the remainder of this week to ensure that I can attend any hearing the Court might schedule.

Thank you for your consideration.

Respectfully submitted,

Michael S. Hiller

MSH:me

c: Alan Weigel, Esq.
Michael Geraghty, Esq.